

Message Text

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ORIGIN L-03

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/059 R

DRAFTED BY L/NEA:ATBROWN:NEA/ARP:SWBUCK:BGG

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FM SECSTATE WASHDC

TO AMEMBASSY SANAA

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E.O.: 11652: N/A

TAGS: EAID YE

SUBJ: AID BILATERAL

REF: (A) SANAA 2134, (B) STATE 216111, (C) SANAA 1991

1. AID/W UNDERSTANDS PROBLEM FOR YARG POSED BY GRANTING IMMUNITIES TO USAID TECHNICIANS THAT NO OTHER FOREIGN AID PERSONNEL INCLUDING UNDP HAVE. AT SAME TIME, IN VIEW PAST PROBLEMS AID FEELS THAT CLARITY ON IMMUNITIES OF PRIME IMPORTANCE. PROPOSAL REF (C) INGENIOUS, BUT IT HAS MET WITH DIFFERING INTERPRETATIONS IN AID/W AND AID BELIEVES THAT IN LONG RUN IT COULD LEAD TO PROBLEMS.

2. WE THEREFORE ASK THAT YOU URGE AID PROPOSAL (REF B) ON YARG. AID HAS INTERPRETED "COMPARABLE RANK AND CATEGORY" TO MEAN THAT AID DIRECT-HIRE PERSONNEL AND THEIR FAMILIES SHALL HAVE STATUS OF EMBASSY PERSONNEL OF OFFICER RANK, I.E.

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HAVING DIPLOMATIC RANK. AID POLICY HAS FURTHER BEEN TO

AFFORD AID PERSONAL SERVICES CONTRACTORS (BUT NOT AID CONTRACTOR EMPLOYEES AND HOST COUNTRY CONTRACTORS) THE SAME IMMUNITIES. THIS INTERPRETATION HAS BEEN APPLIED IN OTHER COUNTRIES WHERE COMPARABILITY LANGUAGE HAS BEEN UTILIZED IN THE COUNTRY BILATERAL AID AGREEMENTS SUCH AS SUDAN, JORDAN, TURKEY, AND INDIA.

3. IF REF (B) APPROACH ACCEPTED BY YARG, FOREGOING INTERPRETATION SHOULD BE MADE CLEAR TO YARG AND SOME RECORD

OF AGREEMENT IN PRINCIPLE ON ABOVE SHOULD BE MADE PRIOR TO SIGNING. FURTHER, IF PROCEDURES EXIST FOR NOTIFICATION TO YARG OF ARRIVAL OR PRESENCE OF PERSONNEL OF DIPLOMATIC RANK, SUGGEST SAME PROCEDURES BE USED REGARDING AID PERSONNEL.

4. IF REF (B) APPROACH REJECTED BY YARG, AS FALL-BACK POSITION YOU MAY OFFER REF (C) APPROACH MODIFIED TO USE VIENNA CONVENTION ON DIPLOMATIC RELATIONS RATHER THAN U.N. CONVENTION, AS FOLLOWS:

PICKING UP IN MIDDLE OF PARA 4 OF REF (C): QUOTE
... AND THAT THE GOVERNMENT OF THE YEMEN ARAB REPUBLIC SHALL ACCORD ALL UNITED STATES GOVERNMENT EMPLOYEES AND THEIR FAMILIES (OTHER THAN CITIZENS AND PERMANENT RESIDENTS OF THE YEMEN ARAB REPUBLIC) IN THE YEMEN ARAB REPUBLIC TO PERFORM WORK IN CONNECTION HERewith THE IMMUNITIES AND EXEMPTIONS PROVIDED IN PARAGRAPHS 29, 30, 31, 33 AND 35 OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS DATED APRIL 18, 1961. UNQUOTE.

DECONTROL JANUARY 4, 1975.

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